



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Acting Director of Planning

At its meeting held June 7, 2006, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

De novo hearing on Conditional Use Permit Case No. 00-194-(5), and Addendum to Final Environmental Impact Report and Final Subsequent Environmental Impact Report, to authorize the continued operation of the Sunshine Canyon Landfill, a Class III non-hazardous solid waste landfill facility, and modifications to previously approved Conditional Use Permit Case No. 86-312-(5), to increase daily solid waste intake from 6,000 tons per day to 12,100 tons per day increasing the weekly intake from 36,000 to 66,000 tons and increase the working face area from two to three acres for a total of approximately 10 acres; and to update conditions associated with the permit for consistency with conditions approved by the City of Los Angeles, located at 14747 San Fernando Road, Newhall Zoned District, applied for by Dave Edwards on behalf of Browning Ferris Industries, Inc., as further described in the attached letter dated December 21, 2005, from the Director of Planning. (Appeal from Regional Planning Commission's denial)

All persons wishing to testify were sworn in by the Executive Officer of the Board. Frank Meneses and Maria Masis, representing the Department of Regional Planning testified. Opportunity was given for interested persons to address the Board. David Edwards, representing Browning Ferris Industries, Inc., Juan Noguez, Mayor of the City of Huntington Park, Gregory Nordback, Councilmember of the City of Whittier, Michael Tou, representing Congressman Brad Sherman, Wayde Hunter, representing the North Valley Coalition, Dr. Wayne Aller, representing Sunshine Canyon Landfill, and others addressed the Board. Written correspondence was presented.

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The following statement was entered into the record for Supervisor Antonovich:

“Residents in Granada Hills have suffered with the adverse impacts of living adjacent to the Sunshine Canyon Landfill for decades. Impacts associated with truck traffic, debris blowing into their neighborhoods, fumes, and other adverse impacts are well-documented in the public record. Concerns amongst my constituents about cancer rates and property values are understandable.

“There is broad opposition above and beyond local residents represented by the North Valley Coalition. This includes environmental groups, organized labor, elected officials, and many others.

“On a regional basis there is a question of fairness in terms of where trash is disposed. There is a high likelihood that trash generated in Los Angeles County will be disposed of in a landfill in the Fifth District. The Fifth District is host to several landfills in addition to Sunshine Canyon. These include Chiquita Canyon Landfill in Santa Clarita, Lancaster Landfill and Palmdale Landfill in the Antelope Valley, and smaller facilities such as Scholl Canyon in Glendale. While I recognize that Puente Hills is the largest landfill in the County, the intake at Puente Hills is less than the combined intake at all of the landfills in the Fifth District.

“The County’s General Plan specifically states that ‘the regional need should not outweigh the impact on the community.’ The Regional Planning Commission conducted five separate public hearings. The Commission heard extensive public testimony and reviewed volumes of information, and concluded that the requested Conditional Use Permit does not meet the stated criteria in the County’s General Plan. The Commission findings identify concerns both about the lack of a closure date and traffic impacts that have not been mitigated to acceptable levels. The Commission concluded that the applicant had not met the Burden of Proof. Today’s testimony does not present any additional information demonstrating that the Burden of Proof has been met.”

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Therefore, Supervisor Antonovich made a motion, seconded by Supervisor Yaroslavsky, that the Board:

1. Close the public hearing;
2. Signify its intent to affirm the decision of the Regional Planning Commission denying Conditional Use Permit Case No. 00-194-(5);
and
3. Instruct County Counsel to draft findings for denial.

Said motion failed to carry by the following vote: Ayes: Supervisors Yaroslavsky and Antonovich; Noes: Supervisors Molina, Burke and Knabe.

Supervisor Knabe made a motion for the Board to close the public hearing; and indicate its intent to approve Conditional Use Permit Case No. 00-194-(5), which replaces current Conditional Use Permit No. 86-312-(5) based on the Regional Planning Commission's recommended conditions, with the following revised closure language to be added to draft Condition 13:

- Assuming that a joint City/County landfill has become operational and the applicant has not otherwise exhausted the available landfill capacity as set forth in the permit, during the year following the 30th anniversary of this grant, the Board of Supervisors shall authorize a study to determine the remaining capacity authorized by this permit for the landfill. Premised upon the study's findings the Board of Supervisors will establish a date certain for the termination of the receipt of solid waste at the landfill. In no event shall that date exceed the 40th year of this grant.

After discussion, Supervisor Burke offered a suggestion that Supervisor Knabe's recommendation be amended to authorize a study during the year following the 25th anniversary of the grant, and in no event should the closure that date exceed the 30th year from the date of the grant. Supervisor Knabe accepted Supervisor Burke's amendment.

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The following statement was entered into the record for Supervisor Antonovich:

“Residents of Granada Hills have suffered with the adverse impacts of living adjacent to the Sunshine Canyon Landfill for decades. Impacts associated with truck traffic, debris blowing into their neighborhoods, fumes, and other adverse impacts are well-documented in the public record. Concerns amongst my constituents about cancer rates and property values are understandable.

“Perhaps no question is more important than that of a closure date. The County permit for the Puente Hills Landfill requires closure in 2013. The County permit for the Chiquita Canyon Landfill requires closure in 2019. Given projections by the Department of Public Works concerning when Sunshine Canyon will reach capacity, the Board should adopt a closure date of 20 years from the date of our final Board action.

“Additionally, portions of the Landfill are within the jurisdiction of the City of Los Angeles. Some residents are concerned about discrepancies between City and County conditions of approval. There is a simple solution: the condition that would result in greater protection for the surrounding community should apply. The operator is now accepting trash in the City portion of the Landfill and is complying with City regulations. The operator has complied with County regulations for years and is not objecting to the proposed conditions recommended by County staff. The operator can and should comply with the strictest conditions, regardless of whether the operator is working on one or the other side of a political boundary. Again, the primary obligation of this Board is to provide the greatest protection for the surrounding community.

“It is essential that we adopt a closure date and address potential discrepancies with City conditions. Additional recommended changes to conditions should also be included to further protect local residents living near the Landfill.”

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Therefore, Supervisor Antonovich offered a suggestion that Supervisor Knabe's recommendation be amended to stipulate a 20 year closure date of 2026; and direct County Counsel to incorporate the following further revisions into the draft conditions of approval for the Sunshine Canyon Landfill as follows:

- Require double liners.
- Revise Condition 35 to require, at a minimum, a double liner for the County side of the Landfill, consistent with the requirements of the Los Angeles Regional Water Quality Control Board. Any existing requirements, as well as future requirements that may be imposed by the Regional Water Quality Control Board on the City side of the Landfill relative to a liner or liners, shall be implemented and installed on the County side of the Landfill. Nothing in this condition shall preclude a liner or liners that are more protective than that required for the City portion of the Landfill, if so required by the Water Quality Control Board.
- Add a new condition to read: "Wherever there is a discrepancy between conditions in County Conditional Use Permit No. 00-194-(5) and City of Los Angeles City Ordinance 172933 (or its successors or equivalent discretionary land-use approval), the condition that would result in greater protection for the surrounding community shall apply. If, following approval, the County Local Enforcement Agency (LEA) determines that there are remaining discrepancies between City and County conditions that will cause operational or oversight difficulties, those discrepancies shall be resolved through the required JPA between the City and County. All discrepancies identified at any time during the life of the grant, including all post-closure activities, shall be resolved in favor of the condition that the County LEA determines offers the greater protection to the community." Staff shall be directed to incorporate into the final conditions, specifically, the stricter City conditions relative to alternate fuel requirements, hours of operation, the Community Protection Program relative to public notice and emergency hot-lines, and prohibiting intake of certain specified cover materials.
- Revise any and all conditions, where appropriate, to conform to the new definition of "Closure Date."

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- Revise the conditions to prohibit the Director of Public Works or any other County employee from authorizing any activity that would in any way constitute an extension of the Closure Date.
- Revise the definition of “Landfill” in Condition 1 to clarify that the operator may not stockpile dirt above final elevations.
- Revise Conditions 11 and 12 to require that the operator correct all violations as soon as possible, in a time and manner determined by the Acting Director of Planning, but in no instance longer than 30 days.
- Revise the definition of “Landfill” in Condition 1 to clarify that the operator may not stockpile dirt above final elevations.
- Revise Condition 17-c to restrict overages to no more than 313 days during the term of the permit.
- Revise Conditions 54, 56 and 57 to require that these public improvements shall be installed to the satisfaction of the Director of Public Works.
- Revise Condition 62 to indicate that funds for planning studies and implementation shall be determined by the Acting Director of Planning and the Fifth Supervisorial District.
- Add a new condition requiring the operator to comply with all future applicable State laws concerning post-closure of landfills.
- Add a new condition to require video monitoring at the working face and at vehicle inspection locations, and to maintain video records for a period of not less than one year.

After discussion, there was a division of the question of Supervisor Antonovich’s amendment to Supervisor Knabe’s recommendation, to address his request to establish a 20 year closure date of 2026.

On motion of Supervisor Antonovich, seconded by Supervisor Yaroslavsky, said motion to establish 20 year closure date of 2026, failed to carry by the following vote: Ayes: Supervisors Yaroslavsky and Antonovich; Noes: Supervisors Molina, Burke and Knabe.

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Supervisor Yaroslavsky offered a suggestion, seconded by Supervisor Antonovich, that Supervisor Knabe's aforementioned recommendation be amended to authorize a study at 20 years with a closure date of 25 years. Said motion failed to carry by the following vote: Ayes: Supervisors Yaroslavsky and Antonovich; Noes: Supervisors Molina, Burke and Knabe.

Supervisor Knabe called for the question on his aforementioned recommendation as amended by Supervisor Burke.

On motion of Supervisor Knabe, with Supervisor Burke's suggested revision, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Molina, Burke and Knabe; Noes: Supervisors Yaroslavsky and Antonovich, the Board approved the following revised closure language to be added to draft Condition 13 as follows:

- Assuming that a joint City/County landfill has become operational and the applicant has not otherwise exhausted the available landfill capacity as set forth in the permit, during the year following the 25th anniversary of this grant, the Board of Supervisors shall authorize a study to determine the remaining capacity authorized by this permit for the landfill. Premised upon the study's findings the Board of Supervisors will establish a date certain for the termination of the receipt of solid waste at the landfill. In no event shall that date exceed the 30th year of this grant.

Supervisor Antonovich made a motion, seconded by Supervisor Yaroslavsky, to amend Supervisor Knabe's recommendation, to add a provision to the modified Conditional Use Permit to require the operation of alternative-fuel trucks at the entire landfill, consistent with alternative-fuel truck operation requirements that are applicable to the City's side of the landfill. Said motion was duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky; Knabe and Antonovich; Noes: None.

In addition, Supervisor Antonovich offered a suggestion that Supervisor Knabe's recommendation be amended to direct County Counsel to incorporate the following revisions to the conditions of approval for the Sunshine Canyon Landfill. Supervisor Knabe accepted Supervisor Antonovich's amendment:

1. Require a liner of equal or better effectiveness as that required by the Regional Water Quality Control Board on the City portion of the landfill.

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2. Revise the conditions so that wherever there is a discrepancy between conditions in County Conditional Use Permit No. 00-194-(5) and City of Los Angeles City Ordinance 172933 (or its successors or equivalent discretionary land-use approval), the condition that would result in greater protection for the surrounding community shall apply.
3. Instruct the Acting Director of Planning to review whether the operator should be required to increase the radius of windblown trash removal up to a 1.5 mile radius and make a recommendation regarding an appropriate condition.
4. Revise Condition 17-c to restrict overages to no more than 313 days during the term of the permit, except overages which occur as the result of a declared disaster or national emergency shall not count toward the 313 day limit.

Therefore, on motion of Supervisor Knabe, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Molina, Burke and Knabe; Noes: Supervisors Yaroslavsky and Antonovich, the Board closed the hearing; indicated its intent to approve Conditional Use Permit Case No. 00-194-(5), which replaces current Conditional Use Permit Case No. 86-312-(5), as recommended by the Regional Planning Commission; and directed County Counsel to prepare the necessary findings and conditions, with the following revised conditions:

1. Revise Condition 13 to add language the following language:

Assuming that a joint City/County landfill has become operational and the applicant has not otherwise exhausted the available landfill capacity as set forth in the permit, during the year following the 25 anniversary of this grant, the Board of Supervisors shall authorize a study to determine the remaining capacity authorized by this permit for the landfill. Premised upon the study's findings the Board of Supervisors will establish a date certain for the termination of the receipt of solid waste at the landfill. In no event shall that date exceed the 30th anniversary of this grant.

2. Require a liner of equal or better effectiveness as that required by the Regional Water Quality Control Board on the City portion of the landfill.

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3. Revise the conditions so that wherever there is a discrepancy between conditions in County Conditional Use Permit No. 00-194-(5) and City of Los Angeles City Ordinance 172933 (or its successors or equivalent discretionary land-use approval), the condition that would result in greater protection for the surrounding community shall apply.
4. Instruct the Acting Director of Planning to review whether the operator should be required to increase the radius of windblown trash removal up to a 1.5 mile radius and make a recommendation regarding an appropriate condition.
5. Revise Condition 17-c to restrict overages to no more than 313 days during the term of the permit, except overages required as a result of a declared disaster or national emergency shall not count toward the 313 day limit.

By unanimous vote, the Board directed County Counsel to include a provision that would require the operation of alternative-fuel trucks at the entire landfill, consistent with alternative-fuel truck operation requirements that are currently applicable to the City of Los Angeles side of the landfill.

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Attachments

Copies distributed:

Each Supervisor
Director of Public Works
Browning Ferris Industries, Inc.
David Edwards
Juan Noguez
Gregory Nordback
Michael Tou
Wayne Hunter
Dr. Wayne Aller